

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

INA STEINER, DAVID STEINER, and
STEINER ASSOCIATES, LLC,

Plaintiffs,

v.

EBAY INC., et al.,

Defendants.

Civil Action No. 21-CV-11181-DPW

JOINT MOTION OF PLAINTIFFS AND EBAY INC. TO STAY PROCEEDINGS

Plaintiffs Ina Steiner, David Steiner, and Steiner Associates, LLC (collectively “Plaintiffs”) and Defendant eBay Inc. (“eBay”) hereby jointly move for an order staying proceedings in the above-captioned action for 90 days, subject to an extension for good cause shown, to allow for the Steiners and eBay to engage in mediation with the goal of reaching a resolution in this matter. As grounds for this motion, Plaintiffs and eBay state as follows:

1. Plaintiffs filed their Complaint in this action on July 21, 2021. Dkt. 1. eBay and several other Defendants filed motions to dismiss or partially dismiss the Complaint in October through December 2021. *See, e.g.*, Dkt. 89. Plaintiffs have an upcoming deadline of January 31, 2022 to file a consolidated opposition to the various motions to dismiss the Complaint filed by the several Defendants. Dkt. 100.

2. Plaintiffs and eBay have begun in good faith discussions regarding resolving this matter and have agreed to pursue a mediation that may resolve all claims in this action and would moot any motions pending or to be filed in this case.

3. A stay of proceedings for 90 days is necessary and appropriate in this matter to conserve all the parties’ and the Court’s resources and to allow the Steiners and eBay to focus on

negotiating a resolution rather than having the Steiners, eBay and the other parties engaging in costly and time-consuming litigation. The granting of a stay will also allow the Court to preserve its resources in ruling on pending and forthcoming motions that may be mooted should mediation prove successful.

4. Counsel for eBay or counsel for the Plaintiffs has conferred with counsel for each Defendant and Stephanie Stockwell, *pro se*, in this matter. All Defendants, with the exception of Jim Baugh, have stated that they do not oppose the relief sought with this motion. Jim Baugh opposes this motion.¹

WHEREFORE, Plaintiffs and Defendant eBay respectfully request that the Court enter an order staying proceedings in this matter for 90 days, subject to an extension for good cause shown, while the Steiners and eBay pursue mediation.

Dated: January 29, 2022

/s/ Rosemary C. Scapicchio

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Respectfully submitted,

/s/ Jack W. Pirozzolo

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Counsel for eBay Inc.

¹ Plaintiffs and eBay were delayed in filing this motion as they were waiting to hear from counsel for David Harville regarding his client's position.

CERTIFICATION PURSUANT TO L.R. 7.1(a)(2)

I, Jack W. Pirozzolo, counsel for eBay, hereby certify that, in accordance with Local Rule 7.1(a)(2), counsel for eBay or counsel for Plaintiffs has conferred with counsel for each Defendant, and Stephanie Stockwell, *pro se*, in this action. All Defendants, with the exception of Jim Baugh, have stated that they do not oppose this motion. Jim Baugh opposes this motion.

Dated: January 29, 2022

/s/ Jack W. Pirozzolo
Jack W. Pirozzolo

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2022, this document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: January 29, 2022

/s/ Jack W. Pirozzolo
Jack W. Pirozzolo